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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/053,931
Applicant : Dana Mears et al.
Filed : January 22, 2002
Title : METHOD AND APPARATUS FOR PERFORMING A
MINIMALLY INVASIVE TOTAL HIP ARTHROPLASTY

TC/A.U. : 3732
Examiner : Michael B. Priddy

Docket No. : ZIM0048-02/ZM0414 B DIV 1
Customer No.: 00832

PETITION UNDER 37 CFR 1.313(c) TO WITHDRAW PATENT FROM ISSUE

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.313(c)(2), Applicants petition the Commissioner for Patents and Trademarks to withdraw from issue the above-entitled application so that a supplemental declaration correcting a deficiency in the declaration previously filed in this matter can be submitted in this matter. Specifically, a copy of a declaration filed in the parent case was erroneously filed in this continuation-in-part patent application. While the inventorship of this application has not changed from the parent application, because the present application is a continuation-in-part, a new declaration must be submitted. Therefore, Applicants petition to withdraw this patent from issue so that a supplemental declaration correcting this deficiency may be submitted in this matter.

Concurrently herewith, Applicants are filing a Request for Continued Examination under 37 C.F.R. 1.114.

Further, Applicants request that the issue fee and publication fee which were paid in the above-identified application on January 17, 2005, in the amount of \$1700.00, be applied to Deposit Account No. 02-0385 and later applied toward the payment of the issue fee and publication fee in the amount identified on a new Notice of Allowance and Fee(s) Due.

02/03/2005 HDEMESS1 00000081 10053931

02 FC:1464

130.00 OP

Applicants submit herewith a check in the amount of \$130.00 to cover the Petition Fee required by 37 C.F.R. 1.17(h) §1.313. If the enclosed remittance is insufficient, please charge any additional amount required to Deposit Account No. 02-0385, Baker & Daniels.

Respectfully submitted,

BAKER & DANIELS



Michael D. Schwartz
Registration No. 44,326
Attorney for Applicant

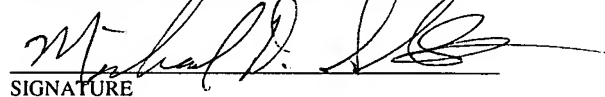
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Enclosures

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: MAIL STOP 313(c), COMMISSIONER FOR PATENTS,
P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on: January 31, 2005

MICHAEL D. SCHWARTZ, NO. 44,326
NAME OF REGISTERED REPRESENTATIVE


SIGNATURE

January 31, 2005
DATE